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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,192	07/28/1999	SHUNPEI YAMAZAKI	0756-2011	6547

31780 7590 06/25/2003

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EXAMINER

SIMKOVIC, VIKTOR

ART UNIT	PAPER NUMBER
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2812

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)
	09/362,192	YAMAZAKI ET AL.
	Examiner Viktor Simkovic	Art Unit 2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 April 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 45-50,52-54,56-58,60-62,64,65 and 67-72 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 45-50,52-54,56-58,60-62,64,65 and 67-72 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45, 47, 60, 62, and 67-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka ('819) in view of Makita et al.

Miyasaka teaches the method for manufacturing a semiconductor device comprising the steps of:

subjecting the semiconducting film to oxygen plasma, thereby forming a silicon oxide film on said semiconducting film;

crystallizing said semiconducting film to obtain a crystalline semiconducting film.

See column 24, lines 37-56. While Miyasaka does not teach using the oxide film as the gate insulating film, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the oxide film as the gate insulating film, since silicon oxide is one of the most common materials used for this purpose in the art. What Miyasaka also fails to teach, however, the step of contacting a material for promoting crystallization to at least part of the semiconducting film formed over the substrate.

Such a step is well known in the art and is taught by Makita et al., for example. Makita et al. teach introducing a metal catalyst into the film to promote crystallization. It would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine this step with the step of using oxygen plasma, as the use of a metal catalyst to promote crystallization is well known, and one of ordinary skill in the art would know that combining such two steps, each of which enhances crystallization, together, would further improve the overall level of crystallization. With regard to claim 47, the crystallization is done in a solid state. With regard to claims 67-72, Makita et al. teach the use of Ni, Co, Pd, Pt, Cu, Ag, Au, In, Sb, Sn, and Al as appropriate catalysts for crystallization (see column 24, line 21).

Claims 46, 49-50, 52-54, 56-58, 61, 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka ('819) et al. in view of Makita et al. as applied to claim 45 above, and further in view of Miyasaka ('526). While Miyasaka et al. do not teach the step of crystallizing the semiconductor film with a laser light, such a step is taught by Miyasaka et al. and is in fact well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a laser to enhance crystallization, as lasers are well known in the art to promote crystallization. With regard to claim 49, Miyasaka et al. teach the use of helium in column 6, line 64.

Response to Arguments

Applicant's arguments filed 4/14/03 have been fully considered but they are not persuasive. Applicant's main argument seems to be that Miyasaka does not teach using the oxide formed through oxygen plasma as the gate insulating film. Thus the difference between claim 45 and Miyasaka in this regard appears to be that the former

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forms a gate insulating film using an oxygen plasma, and that the latter forms an oxide film using oxygen plasma, but then removes it and forms a gate insulating film on top using CVD or PVE. The examiner maintains that omitting the steps of removing the oxide and depositing a gate insulating film and thus using the existing oxide as the gate insulating film would be obvious. In the absence of showing an unexpected result from the omission of such a step, the subject matter is not patentable. *In re Wilson*, 153 USPQ 740.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viktor Simkovic whose telephone number is 703-308-6170. The examiner can normally be reached on Mon - Fri, 9:00 - 6:00, except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on 703-308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.


Viktor Simkovic
June 23, 2003


John F. Niebling
Supervisory Patent Examiner
Technology Center 2800